

17. (New) A cannula according to Claim 12 which is provided with a series of holes in its cylindrical wall, upstream from the section containing the first product, for the purpose of allowing the discharge of air when plunger (7) is introduced into the cannula.

**PLEASE CANCEL CLAIMS 1-11**

**REMARKS**

A reconsideration of this application is respectfully requested.

Claims 1-11 have been cancelled and replaced by Claims 12-17 which, Applicant submits, overcome the formal objections raised in Paragraph 3 of the Office Action. It is also respectfully submitted that the newly presented Abstract is free of the objection raised in Paragraph 2. Withdrawal of these objections is respectfully requested.

Other than for minor language changes so as to more nearly conform the claims to U.S. practice, new Claims 12-17 are substantially the same as the claims in the PCT application which have been found to be novel and inventive over Kline (USP -211) relied on by the Examiner in both the 35 USC 102(b) rejection of Claims 1-6, 9 and 10 as well as 35 USC 103(b) rejection of Claims 7 and 8 of the current application. Applicant assumes that the Examiner has the PCT application and record available to her for purposes of comparison, particularly since the Kline reference has been relied on in the PCT examination of novelty and patentability.

The present invention, as defined by Claims 12-17, is directed to a cannula which is so designed as to allow two products of different physical characteristics, e.g., a gel and a tablet or a powder, to be separately stored within its confines and to be separately and simultaneously discharged, all as more fully described on page 1 of the specification, as well as in the detailed description of the drawing on pages 2-5 incl.

Claims 1-6, 9 and 10 have been rejected under 35 USC 102(b) as anticipated by Kline USP -211. The essence of this invention, as described in the specification and as now setforth in new Claims 12-17, is the separate storage of two different products in a single cylindrical chamber, the separation being obtained by a sealed separator within the chamber. The products can be simultaneously and separately expelled from the cylinder by the action of a single plunger, one product being discharged along the axis of the cylinder and the other perpendicular to its axis. It is respectfully submitted that neither the purpose of the claimed structure nor the elements of the structure as now setforth are disclosed by Kline..

It is respectfully requested that this rejection be reconsidered in the light of newly presented Claims 7-12 and in consideration of the above remarks. A withdrawal of the rejection is respectfully solicited.


Claims 7 and 8 have been rejected under USC 103(a) as unpatentable over Kline in vView of Orenga (USP 5,823,988). The Examiner

has found it obvious to one of ordinary skill in the art to modify the applicator of Kline to include the projection 48 of Orenga simply because the two patents happen to be from an analogous art. The drawback to this reasoning is that there is no suggestion or motivation in either reference to so modify Kline so that it has the structural limitations found in the claims as now defined. Without the presence of Applicant's disclosure as a possible basis for proposing the suggested combination, there simply is no reason to completely redefine Kline as the Examiner has proposed.

On consideration of the Section 103(a) obviousness rejection by the Examiner as applicable to new Claims 12-17, it is believed that the rejection will be withdrawn. Such action is respectfully requested.

An early action leading to the allowance of Claims 12-17 and the issuance of a Notice of Allowance is respectfully solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Walter H. Schneider', written in a cursive style.

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